

1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

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4 Elena Jull, *et al.*,

Case No. 2:21-cv-01353-ART-BNW

5 Plaintiffs,

6 ORDER

7 v.

8 Universal Health Services, Inc., *et al.*,

9 Defendants.  
10

11 Plaintiffs Elena Jull and Derrick Jull allege Defendants discriminated against them on the  
12 basis of a disability in violation of Section 1557 of the Patient Protection and Affordable Care  
13 Act.

14 Originally, Plaintiffs were represented by counsel, who filed the underlying complaint.  
15 ECF No. 1. On May 2, 2022, Plaintiffs' counsel withdrew from the case. ECF No. 37. This Court  
16 finds there are exceptional circumstances to justify the appointment of counsel.

17 To determine whether exceptional circumstances exist, a court must consider: (1) the  
18 likelihood of success on the merits; and (2) the ability of the plaintiff to articulate their claims *pro*  
19 *se* in light of the complexity of the legal issues involved. *Palmer v. Valdez*, 560 F.3d 965, 970  
20 (9th Cir. 2009).

21 As mentioned above, Plaintiffs' complaint has been filed by an attorney who has duties  
22 under Fed. R. Civ. P. 11(b) not to file frivolous claims. On that basis, this Court finds that there is  
23 a likelihood of success on the merits. In addition, Plaintiffs have had difficulties understanding  
24 the court process and its procedures. In fact, this Court has had to sanction Plaintiffs. ECF Nos.  
25 60, 67. In short, this Court finds Plaintiffs are not able to articulate their claims *pro se*.  
26 For these reasons, the Court finds that extraordinary circumstances now exist which merit the  
27 appointment of counsel.  
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